



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,479	02/22/2002	Paul Giampavolo	P/1759-85	4324

2352 7590 10/03/2003

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,479

Applicant(s)

GIAMPAVOLO, PAUL

Examiner

Korie H. Chan

Art Unit

3632

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-5, 7-20, and 22-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Dependent claims 3-5, 7, 8, 14, 15, and 16 are vague and indefinite in that they all recite features directed to the strap; however, the independent claims 1 and 11 from which they depend recites that strap in an intended use manner. It is not clear whether applicant is attempting to claim the combination of the strap with the hook member of the holding device. Further regarding claim 4, applicant inferentially claims that all slots are rectangular. Regarding claims 9, 11, 18, and 22, the recitation "hook opening having a dimension related to a diameter of a standard size rod" is indefinite. Further, "a standard size rod" is not defined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-12, 15, 21, 22, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Artemi (US patent no. 5,584,455). Artemi disclosed all the claimed features of applicant's invention (See attached illustration). Regarding last paragraph of

Art Unit: 3632

claim 25, the resistance of the hook member from the rod is reduced when the hook shaped member is moved substantially align the hook opening (juxtapose element 9) with a horizontal plane of the rod as oppose to the resistance by the resistance member (9).

Claims 1, 3, 6, 7, 9-12, 15, 17, and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Cardenas (US patent no. Des.405,965). Cardenas disclosed all the claimed features of applicant's invention (see attached examiner's illustration, figure 6). Regarding claims 17, 23, and 24, the hook opening dimension with its convex opposing surfaces of Cardenas inherently would provide resistance to attaching and/or to removing of the hook portion from a rod when mounted on a rod of a diameter greater than the hook opening of Cardenas.

Claims 1-16, 18, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hellinger et al (US patent no. Des. 205,257). Hellinger disclosed all the claimed features of applicant's invention (see attached examiner's illustration). Regarding applicant's intended of the hook member for a strap with its various features, Hellinger's hook member is capable of supporting a strap with plural loops form by either opposing portions or with adjust member or threading of the strap. Consequently, Hellinger further meets applicant's claimed intended use.

Claims 1-9, 11-18, and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kolton et al (US patent no. 4,765,467). Kolton disclosed all the claimed features of applicant's invention (see attached examiner's illustration). Regarding applicant's intended of the hook member for a strap with its various features, Kolton's

Art Unit: 3632

hook member is capable of supporting a strap with plural loops form by either opposing strap portions or with adjust member and threading of the strap through the slot.

Consequently, Kolton further meets applicant's claimed intended use.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Artemi (US patent no. 5,584,455) in view of Cardenas (US patent no.

Des.405,965). Artemi disclosed all the claimed features of applicant's invention as shown above. However, Artemi does not disclose the opening is rectangular.

Cardenas teaches in a hook and hanger combining support having a rectangular opening for receiving the strap. It would have been obvious to one of ordinary skill in the art to modify the circular opening of Artemi such that it is of rectangular opening as taught by Cardenas to permit the strap to hang smoothly over the straight edge of the rectangle to improve balance of the suspended hangers upon the loops.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Artemi (US patent no. 5,584,455) in view of Cardenas (US patent no. Des.405,965) as applied to claim 1 above, and further in view of Smagula (US patent no. 4,874,100). Artemi and Cardenas combined disclosed all the claimed features of applicant's invention except

Art Unit: 3632

for the strap having an adjustable member through which a portion of the strap is threaded to adjust the size of the loop. Artemi does teach adjusting the size of the loop of the strap (figure 1a). To adjust the loop via a threading a portion of the strap through an adjustable member is conventional and well-known in the art. Smagula teaches such method of adjusting the size of a loop (53) via threading a portion of the strap through an adjustable member (buckle). It would have been obvious to one of ordinary skill in the art to modify the adjustable strap of Artemi with a belt and buckle type strap as demonstrated by Smagula. Such modification would have involved a mere substitution of one well-known method of loop size adjustment in a strap with another well-known type.

Claims 2, 4, 5, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Artemi (US patent no. 5,584,455) in view of Cardenas (US patent no. Des.405,965) as applied to claim 1 above, and further in view of Erman (US patent no. 3,736,925). Artemi and Cardenas combined disclosed all the claimed features of applicant's invention except providing a plurality of openings in the body portion with the strap threaded through each opening to provide plural loops. Erman teaches providing plural loops by having a strap (16) with loops (18, 20) thread through each of the plural openings (4, 6, 8, 10). It would have been obvious to one of ordinary skill in the art to modify the assembly of Artemi and Cardenas combined such that the strap is threaded through a plurality of opening to provide plural loops thereupon as taught by Erman to better distribute the weight exerted upon each loop by the hangers.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nutto, Kolton et al'546, Garver, Benson, Thesen, Lequeux teach hanger with hook and body portion. Haney further teach threading of string through openings in a body portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
September 24, 2003